

**REBECCA S. SMITH, individually and on behalf of a class of those similarly situated,**

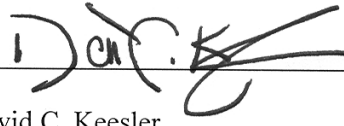
**V.**

**Defendant.**

**THIS MATTER IS BEFORE THE COURT** *sua sponte* for scheduling purposes. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and a hearing to review the pending motion, as well as the status of this case, is appropriate. Prior to the hearing, the parties shall make every reasonable effort to resolve their differences, including any incomplete discovery requests. Unless the parties jointly stipulate to the dismissal of Defendant's motion to compel and for sanctions (Document No. 37), the Court will hold a hearing as set forth below, to resolve any pending motions and to clarify the procedural posture of this case.

**IT IS, THEREFORE, ORDERED** that Defendant's counsel, Plaintiff, and Plaintiff's counsel, including Mr. Kuehnert and/or Mr. Vinay, and Mr. Sharpe, shall appear before the undersigned on **December 4, 2008** for a Status and Motions Hearing prepared to summarize the status of this case and to argue any pending motions. The Clerk of Court will issue a separate Notice of Hearing confirming the date, time, and location of the hearing.

Signed: November 12, 2008

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler  
United States Magistrate Judge

